

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	:	10/755,520	Confirmation No.	1396
Applicant	:	Larry Keith Bruening		
Filed	:	01/12/2004		
Title	:	CALL-ROUTING SYSTEM AND METHOD		
Group Art Unit	:	2614		
Examiner	:	Thjuan Knowlin Addy		
Docket No.	:	2429/SPRI.106545		
Customer No.	:	32423		

VIA EFS – March 24, 2009

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Commissioner for Patents
P. O. Box 1450
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PRE-APPEAL BRIEF REQUEST FOR REVIEW

As all claims in the above-noted Application have been at least twice rejected, Applicant respectfully submits this Pre-Appeal Brief Request for Review along with a Notice of Appeal and all proper fees by way of Deposit Account No. 21-0765.

Legal deficiency: The rejection of claims 8, 25, and 32 under 35 U.S.C. § 102(e) as being anticipated by Bravin should be withdrawn because Bravin does not disclose each and every element as set forth in the claims.

Applicants respectfully submit that the Final Office Action mailed November 25, 2008 (affirmed by the Advisory Action mailed February 19, 2009 and first found in the Non-Final OA of 05/02/08) improperly finally rejects independent claims 8, 25, and 32 by way of an omnibus rejection, rendering the entire Action defective. With respect to omnibus rejections, MPEP states:

A plurality of claims should never be grouped together in a common rejection, unless that rejection is equally applicable to all claims in the group.

MPEP § 707.07(d). The Final Office Action states that independent claims 1, 8, 13, 18, 25, 28, 29, 32, 39, and 41 are anticipated by U.S. Publication No. 2006/0026001 to Bravin et al. (hereinafter “Bravin”). *Final Office Action of November 25, 2008*, pg. 3. However, the Examiner only ever explained how citations from Bravin apply to independent claim 1.

Each element of each claim has never been pointed out in the art of record.

The Examiner partially corrected this issue in an Advisory Action dated February 19, 2009 by somewhat more specifically to certain claims. However, the grounds for this rejection are still not properly applicable to independent claims 8, 25, and 32 at least because these claims have elements that are not recited in independent claim 1. Illustrative examples include

- “extracting source information from said request,” as recited in independent claim 8;
- “receiving a request to establish said communications link between said set of persons, wherein said request is to be directed to one of a plurality of receiving components,” as recited in independent claim 25; and
- “extracting source information from said communications request,” as recited in independent claim 32.

All of the aforementioned elements are not present in independent claim 1 and therefore not properly rejected in the Office Action. The aforementioned improper rejection was addressed by the Applicants in a timely Response dated January 20, 2009, in which the Applicants properly requested reconsideration by the Examiner and issuance of a Supplemental Office Action as supported by the *MPEP*, which states:

Where ... an Office action contains some other error that affects the applicant's ability to reply to the Office action ...the Office will set a new period for reply, if requested to do so by the

applicant, to substantially equal the time remaining in the reply period...A supplementary action after a rejection explaining the references more explicitly or giving the reasons more fully, even though no further references are cited establishes a new date from which the statutory period runs.

MPEP § 710.06. Although the Advisory Action responded to some of the Applicant's request for clarification, it did not provide a complete response with regards to aforementioned claims. As such, it is respectfully submitted that Bravin fails to describe, either expressly or inherently, each and every element of independent claims 8, 25, and 32. Withdrawal of the 35 U.S.C. § 102(e) rejections of these claims and their corresponding dependent claims is respectfully requested.

Additionally, Bravin does not disclose "receiving a request to establish said communications link between said set of persons, wherein said request is to be directed to one of a plurality of receiving components; identifying one of said plurality of receiving components to satisfy said request" as recited by claim 25. Bravin does disclose having a single "video communications relay center" where the systems disclosed by Bravin are housed, but Bravin never discloses having a plurality of such centers and having to identify which of the rely centers to route a request as required by independent claim 25. *See, e.g., Bravin*, p. 3, ¶ [0027]. Additionally, FIG. 2 of Bravin denotes only one such video communications rely center. Accordingly, Bravin also does not disclose "communicating said request to said identified receiving component, whereby said request can be routed to said identified agent immediately incident to being received by said receiving component" as recited by claim 25.

CONCLUSION

For at least the reasons stated above, claims 8, 25, and 32 have been rejected based on clear error. Applicants respectfully request withdrawal of the pending rejections. If any issues remain that would prevent issuance of this application, the panel is urged to contact the undersigned – 816-474-6550 or jcamacho@shb.com (such communication via email is herein expressly granted) – to resolve the same.

Respectfully submitted,

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